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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,603	09/27/2004	Solmaz Mossanen-Shams	1708-21	2291

7590

05/17/2006

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EXAMINER

KENNEDY, SHARON E

ART UNIT

PAPER NUMBER

1615

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,603

Applicant(s)

MOSSANEN-SHAMS ET AL.

Examiner

Sharon E. Kennedy

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-17, 19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17, 19 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/21/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action or the MPEP.

Claim Rejections - 35 USC § 102

Claims 14, 15, 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Taheri, US 4,586,919. Note multiport 20, flat bottomed tab 16 permanently attached to tube 17, and straps 17 and 19 which extend from each side of the flat bottom of tab 16. Regarding claim 15, clearly the straps are lifted from the body since they are connected to the top of tab 16.

Claim Rejections - 35 USC § 103

Claims 14, 15, 16, 17, 19, 21, 22, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bierman, US 2,261,213 in view of Naftulin et al., US 3,782,382. Regarding claims, 14 and 15, Bierman discloses all of the claimed features including the multiport body with a flat bottom surface and attachment device 47 connected to a portion of the device resulting in "lift portions of said straps adjacent to the body" as claimed. The only difference between Bierman and the claims is that the Bierman straps do not encircle the arm. Naftulin is cited to exemplify that very large body of patents disclosing bands that encircle the arm. Accordingly, it would be obvious to one of ordinary skill in the art to extend the Bierman attachment means 47 so that they

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encircled the arm, e.g., for the obvious benefit of providing a more secure attachment to the arm, or attaching a wrist band to the device as shown by Naftulin.

Claims 14, 15, 19 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin, US 6,086,564 in view of Taheri, US 4,586,919 or Page, US 3,782,378. McLaughlin discloses the same multiport body and it is substantially flat as claimed. Note the "caps" recessed into each port. McLaughlin differs from the claimed invention in that the attachment device is an adhesive strap 70. Taheri and Page are cited as secondary references and exemplify the fact that there is a large body of prior art having strap attachments which encircle the arm, e.g., so that there is a "lift portion" as claimed. It would be obvious to one of ordinary skill in the art to put any type of strap on the McLaughlin device to provide different ways of attaching the device to the body as desired.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner would like to point out that strap choice is generally dependent upon the patient. The elderly and young have delicate skin that may be injured upon removal of an adhesive type device. In addition, adhesive is often avoided for patients that are allergic to the ingredients therein.

Response to Arguments

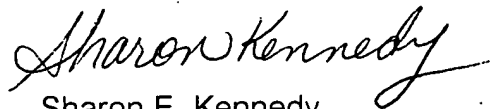
Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on 571/272-8373.

Information regarding the status of an application may be obtained by going to www.uspto.gov, clicking on "Status & IFW", entering the application number, and then clicking on one of the tabs to retrieve the appropriate information.



Sharon E. Kennedy
Primary Examiner
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